

# WITNESS' MEMORY OF THE FALLS

## Agee Forgetful When Questioned by Defense in Booth Conspiracy Trial.

### SOLD LAND IN GOOD FAITH

#### All Transactions for Claim Were Carried On With James Henry Booth, Says Chief Witness for Government.

For three hours yesterday afternoon, I. Thomas Agee, Government witness in the Booth-Singleton case and co-conspirator with the latter on trial, was cross-examined vigorously by Dan Malarky, of counsel for the defendants. In the main the witness adhered closely to the story he narrated on direct examination, but admitted that he acted in good faith when he settled on unsurveyed land as a homestead in Eastern Douglas County and confidently believed he had complied with the land laws sufficient to have earned the homestead. The cross-examination of Agee will be resumed this morning and the witness probably will be on the stand the greater part of the day.

The uncertainty of Agee's testimony regarding dates on his direct examination was surpassed by his position stubbornness on cross-examination by Mr. Malarky. The witness corroborated the material parts of the testimony he had given for the prosecution, but when asked regarding other facts and circumstances, by which the defense will attempt to prove that the transfer of the land was entirely legal, he displayed an astonishing lack of memory.

#### Statement Made to Burns.

Counsel for defense by persistent questioning learned from Agee that he had been kept in the constant company of Andy Nichols, a Government employe, ever since reaching Portland, Agee, however, declined to admit that Nichols was conducting him around but testified that he was looking after Nichols. Mr. Malarky further got the witness to admit that when he was a witness before the grand jury in the case of the conspiracy to defraud the Government, he had been taken into custody by the officer, Harper's companions were so ashamed of the part they had taken in the affair that they slunk away with him.

#### Thought He Obeyed Law.

Agee testified in answer to questions by Mr. Malarky that following his first trip to the village he "recapitulated" the Indian designation which means "Home of the Boss," he was desirous of locating on a claim and securing possession of the same as he had done in the past. He had discussed the case with Burns and Neuhauser in preference to Roland Agee, S. I. Thornton and Ed Singleton, who were his relatives. He testified that he thought the Government officials were entitled to any information he could give them. He admitted he had refused to discuss the case with Mr. Malarky although he had been told by District Attorney McCourt that he could talk about the case with anybody or could refuse to discuss the subject.

#### SUE FOR MARKET BLOCK

##### Status of Association Determined by Circuit Court.

That the People's Market Association has the right to bring a suit against the City of Portland in the effort to retain possession of the market block between Clay, Market, Second and Third streets, was the decision rendered by Judge Bronaugh in the Circuit Court yesterday morning. The decision was rendered after it had been shown that Governor Chamberlain dissolved the corporation January 14, because it had not paid its license fees for the years beginning in 1907. The corporation was reorganized on May 23 filed an order with the Secretary of State restoring its franchise. This latter order is said to have been made with the advice of the attorney general.

#### Received His Full Price.

Agee testified that the consideration named in the deed was only \$10, and that he called the attention of the Notary Public to the fact, explaining that the price agreed upon was \$300, whereupon he was advised that the transfer of the land was not closed until he had received his money. Agee said he then went to Eugene and called on R. A. Booth, informing him that he (Agee) wanted to receive \$300 net for the land. Booth referred Agee to his brother, James Henry Booth, at Roseburg, continued the witness, at the same time explaining that Henry would make it all right. Going to Roseburg, Agee said he gave the deed to James Henry Booth, and that an error discovered by R. A. Booth, could be corrected. He called the next day and received the balance due for the land, \$300 in gold, the advance payment of \$50 having been deducted. Witness said he afterward visited Eugene again and delivered the deed to the property to R. A. Booth.

#### CRY IN VAIN FOR WATER

##### Mount Scott District Must Suffer Shortage All This Season.

No results have been accomplished from the two meetings held in the Mount Scott district to devise ways and means to get relief from the water shortage, which now daily affects 5000 people. At the meeting held last Friday night a committee was appointed to confer with George Brown, president of the Woodmere Water Company, about dividing the territory supplied by the company into four districts, each district to use water for irrigation at certain hours.

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This committee decided that while the theory was good it could not be put into practice, and concluded to drop the matter. Mr. Brown was willing to operate with the people in dividing the territory, but left the details of carrying out the plan to the committee. It was concluded that it would be impossible to restrict the use of water to one district at one time. The present condition will have to be endured until the season for irrigation is over, when there will be at least water enough for household use.

#### NEW LOCATION SOUGHT

##### Public Baths Probably Must Be Moved Away From Sewers.

Nothing definite has as yet been done about the public baths, now owned and operated by the city, but it is almost certain the establishment will have to be moved from the foot of Jefferson street. Several large sewers empty into the stream at this point, and Mayor Lane is opposed to the bathhouse being located there, although he says he knows of no place this side of Sellwood where there are no sewers running into the river. The question is a vexing one and will receive further consideration.

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THE old saying that the battle does not always go to the strong was aptly illustrated last night near midnight when Harley Harper, a carpenter, 21 years old from Troutdale, essayed to thrash Jim Fock, a Chinese, at Fourth and Pine streets. Both men were arrested by Detective Tennant. Harper was slightly intoxicated, and in passing the Chinese on the street, to the delight of several young men with him, began to badger the celestial. Jim Fock rebronated. At this Harper took offense and began in earnest to rain blows on the protesting Chinese.

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# CARMEN'S FAMILIES ENJOYING DAY AT OAKS



Thousands Pack Resort for Carmen's Picnic.

## NO LAPSE IN FESTIVITIES

### Sports and Various Features Occur Without Interruption Throughout Afternoon and Climax Comes in Big Celebration at Night.

In all Portland no one could find a crowd similar to the one that overflowed The Oaks yesterday. For in all Portland no one except the management of The Oaks could arouse enough interest to draw the crowd that was drawn to Portland's big amusement park last night.

Cars leaving First and Alder streets were crowded, so crowded that hundreds of people were forced to wait for the next car; during the afternoon they lined the sidewalks for hours, waiting for cars, and in the early evening the rush was insistent.

It was the big day for streetcar men. Tickets for the event which the streetcar men were indirectly to participate had been sold by the hundreds and last night was the climax of weeks of effort. Hundreds of people buying tickets and waiting to buy tickets were placed on duty in all parts of the grounds.

A programme, especially prepared for the occasion, was followed in the course of the day's events. It included athletic contests and all the various features that go to make a real picnic and a real day's outing.

Manager Freeman was overwhelmed with the volume of business. Gatekeepers were swamped; ticket-takers called for aid and the entire force of frolic-providers was so rushed that extra employes were placed on duty in all parts of the grounds.

It was one of the biggest days in the history of Portland's big amusement parks. Thousands attended and there was plenty of amusement and entertainment for those thousands.

The programme called for various features of endurance and strength and during the afternoon they were held on schedule time. In the evening they were on schedule all right, but there were so many of them and such an enormous crowd that those in charge had difficulty in taking care of them.

## SHOWERS ARE IN SIGHT

### Weather Man Makes Another Guess That It Will Rain.

Probable showers and southwest winds have been ordered for the past three days by Forecast Official Beale. It has not been delivered. There was a drop in the maximum temperature of four degrees yesterday from the record of Wednesday. This was nine degrees cooler than Tuesday. At 5 P. M. the official reading was 58 degrees and at noon it reached 70 degrees. There was a delightful breeze blowing and no one suffers from the heat. The hourly temperatures follow:

6 A. M.	58	12 A. M.	70
7 A. M.	60	3 P. M.	76
8 A. M.	62	5 P. M.	78
9 A. M.	64	6 P. M.	78
10 A. M.	64	6 P. M.	78
11 A. M.	67		

## HE STAYS IN LIMBO

### Adolph Adler, Alleged Anarchist, Changes Mind.

Refuses to Plead, So Goes Back to Jail When Judge Declines to Make Dicker as to Penitentiary for Offense.

For the first time in the history of Circuit Court practice in Multnomah County a criminal tried to make a dicker with the court yesterday. But, unlike John D. Roosevelt or an Abe Ruef, he is a man of very moderate means, so moderate in fact that he tried to increase the contents of his pocketbook by threatening the life of Big Sichel and others. The court decided that it couldn't do anything for him, and he was sent back to jail to await trial.

Adler, a supposed anarchist, informed District Attorney Cameron yesterday that he wanted to plead guilty to the charge of attempting, by threats, to extort money. So the arrangements were made, and Adler was hailed before Judge Bronaugh.

"I understand you wish to plead guilty?" said the court.

"Well, will you put me in der jail if I do?" asked Adler, who is an Austrian.

"The law provides for a sentence of from one to two years in the Penitentiary Station on the Estacada road," said the court.

"Well, you will send me to den for only von year, vill you?" queried Adler.

"You enter your plea and the court will do the rest," answered Judge Bronaugh.

"Well, I think I will not plead, den, yer honor," replied Adler.

Adler was taken back to jail and will take his chances before a jury.

## CAUGHT BY SHERIFF STEVENS

### A. Welch, Wanted in Wisconsin on Statutory Charge, Arrested.

Through the efforts of Sheriff Stevens, Welch, aged 55, a half-breed Indian wanted at Showano, Wis., on a statutory charge, was arrested yesterday afternoon three miles east of Sycamore Station on the Estacada road. Welch is well-known to the authorities of Wisconsin, having once been tried for murder. He was acquitted on the plea that he shot his victim in self-defense.

After being arrested in the East on the criminal assault charge, Welch was released on bail and fled the country. Sheriff W. E. Wilson, commander-in-chief with Sheriff Stevens, who succeeded in locating the accused man. The latter is a half negro and half Stockbridge Indian. When arrested by Sheriff Stevens, he was taken to the County Jail. Before his arrest he was grubbing stumps and cutting wood near Sycamore.

Sheriff Stevens telegraphed Sheriff Wilson that he had the subject last night, and Welch will be taken to Wisconsin when a deputy from Showano arrives.

## SPIRITS FAIL TO HELP THEM

### Default Judgment Taken in Famous Spiritualist Case.

That the spirits have not aided the members of the State Spiritualist Association who have been acting as their own attorneys in the case brought against them in the Circuit Court by Green C. Love was apparent yesterday when Attorney Yankwich took a default judgment against Virginia Howe, one of the double quartet being sued, after her demurrer had been ruled out for being improperly served.

Attorney Yankwich also asked for default judgment against Edwin Kling, but as Yankwich failed to serve notice on him to appear in court, Judge Bronaugh, before whom the case is being tried, refused to give judgment.

Mr. Lou Ellen Cornell, secretary of the State Association, had been cited to appear and show cause why she should not turn over the books of the association to the clerk of the court, pending the outcome of the trial, but her attorney, Ralph Dunway, could not be present, so the case was continued until next Wednesday.

## EISEN WINS TEMPORARILY

### May Continue Practice at Least Until Court Decides Case.

Although the license of Dr. William Eisen was revoked by the State Medical Board Wednesday afternoon because he was convicted in the Circuit Court of performing a criminal operation on 17-

year-old Jennie Selgiers, he will continue to practice until the suit brought by him against the state board is tried out in court. He will be able to do this because a report of the board's action has not been filed with the Secretary of State, as required by law, and the board has been enjoined by Judge Bronaugh from taking further action.

Eisen's suit to have the injunction against the board made permanent, pending the decision of the Supreme Court regarding the validity of his conviction, was to have come to trial on his next business morning, but Deputy City Attorney Frank Grant moved that it be continued, and Eisen's counsel did not object.

## CONSTRUCTION COMPANY SUES

### Demands \$2882 and Attorney's Fees From Owner of Heysler Hotel.

That Robert A. Proudfoot unfairly, arbitrarily and unreasonably found fault with portions of the work done on the Heysler Hotel, at East Third and Burnside streets, by the Standard Construction Company, is one of the allegations of the company in a suit to recover \$2882, and \$500 attorney's fees, filed yesterday in the Circuit Court. Tessa L. Proudfoot, the Portland Trust Company, Jack Rankin, E. A. Rankin, J. Q. Creveling and Erv Rankin are made parties defendant to the suit.

The contract with the Standard Company to perform all the labor and supply the materials with the exception of the steel of the four-story building was entered into March 27, last year. It is alleged that while fault was found with the way the floors were laid, no changes were designated, although the company stood ready to make these changes if they had been suggested. It is also asserted that the time limit on the contract should have been extended 28 days, while it was only extended 17 days. The contractor was delayed 15 days at the start, it is said, because of changes in the plans made by the architect.

## AS FAITHFUL AS PENELOPE

### Mrs. Politt Waited for Years for Recreant Husband.

That he went to the Philippines and was gone two years, during which time he sent his wife no money for her support, is the allegation of Rose Politt in a divorce complaint, which she filed in the Circuit Court yesterday against her husband, Adolph Politt. Like a faithful wife she waited until he returned, July 1, before she filed suit against him. She then asked him to return home and support her as a good husband should, but he refused, she says. She wants to resume her former name, Rose Wilcox, and asks also for an order of the court restraining him from molesting her while the suit is pending.

The couple were married April 15, 1902, at Sallinas, Cal. Mrs. Politt says it was November 6, seven months later, that she left her, while he was away she was compelled to keep roomers and to work as a nurse.

Walkover and Sorosis Oxfords, regular grade reduced to \$2.25. \$3.10. \$4.00. \$5.00. New styles. Knight's, Third and Washington streets.

## LOCATION BAD ONE

### Engine-House on Heights in Danger of Falling.

Engine-house No. 15, at Twentieth and Spring streets, is in danger of sliding down hill according to statements made yesterday afternoon to the fire committee of the City Executive Board. The committee voted to instruct City Engineer Taylor to build a retaining wall, to save the house from possible destruction. The work will be rushed.

It appears that poor judgment was used in the selection of a site for the engine-house, and Mayor Lane and members of the fire committee of the Executive Board say that the fault is strictly with the City Council; that the members of the Council chose and purchased the lot, paying \$2000 therefor. The building was erected, the apparatus installed and the company put into commission about two months ago. It is a nice addition to the fire department, and is the pride of Portland Heights residents. The location, according to Chief Campbell, is the best in the district and he says that he believes there will be no trouble with a retaining wall.

There is a hill, towering far above the engine-house in the rear, and large trees have already been uprooted by the sliding earth. Heavy wires have been tied to the trees to keep them from falling down. Altogether, it seems, the situation is far from encouraging.

The cost of the equipment for the engine-house was about \$700, and this property, including the house, apparatus, horses and furniture, is endangered by a slide, should one occur. When the certificate of the situation, first became known, the fire committee advertised for bids for the construction of a retaining wall, and the Council appropriated \$2000 to defray the cost. However, while two sets of bids have been received, they exceeded the appropriation, and in order to facilitate the matter and save time and money, it was decided yesterday afternoon to proceed with the work under the direction of City Engineer Taylor.

The lot was selected and purchased about two years ago.

## MAY SLIDE DOWN HILL

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## BRUNOT HALL

### A BOARDING AND DAY SCHOOL FOR GIRLS

Certificate admits to Smith, Wellesley and other colleges. The music department, under the charge of artists, is a special feature. Fine-art studio. Write for illustrated catalogue. For further information address

JULIA P. BAILEY, Principal  
2209 Pacific Avenue,  
Spokane, Wash.

## MEDICAL DEPARTMENT

### of the University of Oregon

Twenty-second annual session begins September 14, 1908. Address: S. E. Dean, M. D., Dean, 610 Dekum bldg., Portland.

## PARSHALL DIES FROM WOUND

### SPOKANE, July 21.-J. S. Wright, city Marshal, Colville, Wash., died this morning from a bullet wound received May 23, when George Rush, being panic-stricken and mistaking the Marshal for a robber, fired at him at close range.

# GALA DAY AT OAKS

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